VOLUME III

NO. _____

IN THE SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

VIRGINIA CRAMER,

Petitioner, Plaintiff and Appellant

VS

STATE BAR OF MICHIGAN;
JOHN D. O'HAIR;
WILLIAM LEO CAHALAN;
RICHARD D. KUHN;
H. ROLLIN ALLEN, and All
Members of the State Bar
of Michigan similarly
situated,

Respondents, Defendants and Appellees

PETITION FOR A WRIT OF CERTIORARI
TO THE COURT OF APPEALS
SIXTH CIRCUIT - (No. 82-1855)
AND
DISTRICT COURT, ED MICHIGAN
SOUTHERN DIVISION - (No. 81-73926)
AND

REQUEST FOR JURY TRIAL, MONETARY DAMAGES,
INJUNCTIVE, AND DECLARATORY RELIEF

Virginia Cramer
Pro se Petitioner
27314 Clairview
Dearborn Heights,
Michigan 48127
(313) 278-7286

February 1984

VOLUME III

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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-DETROIT

VIRGINIA CRAMER,

Plaintiff,

No. 81-73926

VS

STATE BAR OF MICHIGAN,
H. ROLLIN ALLEN,
JOHN D. O'HAIR,
WILLIAM LEO CAHALAN,
RICHARD D. KUHN,

Defendants.

Filed in District Court by Court Reporter -G. Martin

Proceedings had in the above-entitled cause before the Honorable Ralph M. Freeman, United States District Judge, at Detroit, Michigan, on Monday, January 25, 1982.

APPEARANCES: MS. VIRGINIA CRAMER
Plaintiff, in pro per

H. ROLLIN ALLEN, ESQ.,
Appearing on behalf of
the State Bar of Mich
and in pro per

JOSEPH F. CHIESA, ESQ.
Appearing on behalf of
Defendants John D. O'Hair
and William Leo Cahalan

MS. LINDA E. WASIELEWSKI,
Appearing on behalf of
Defendant Richard D. Kuhn

TR-2

Detroit, Michigan
Monday,
January 25, 1982
9:00 a.m. * * *

- - -

THE CLERK: No. 81-73926, Virginia Cramer vs. the State Bar of Michigan, H. Rollin Allen, John D. O'Hair, William Leo Cahalan, and Richard D. Kuhn.

* * *

THE COURT: Well, let's see. I have a number of motions. I don't know which hand to start on here to count them up. There's one, two, three, four, five -- six, I believe. Maybe I have overlooked some. Are you Virginia Cramer?

MS. CRAMER: Yes, sir, I am.

* * *

TR-3 * * *

THE COURT: * * * I would think I should hear your motion first maybe. Your motion is based on judicial immunity? * * * Do you have any other grounds?

MR. CHIESA: I have a 12(b)(6) motion and a Rule 56 motion based upon a number of

grounds, including failure to state a claim, res adjudicata, judicial immunity, statute of limitations, and comity and abstention. * * *

TR-4 * * *

MS. CRAMER: Well, first, your Honor, I want to ask if you have had an opportunity to read all of the pleadings. There are a lot of them.

THE COURT: Well, I haven't read maybe all of the opinions but I have read some of them, and I have read the motions, so I am quite familiar with the problem.

MS. CRAMER: O.K. Well, the whole thing is so elementary and they have gone off into principles of comity, laches, statute of limitations and immunity and -- well, the elementary, basic, foremost, most distinguishable element here is jurisdiction.

TR-5

THE COURT: Now, wait just a minute. Maybe I should -- there's a motion filed here on behalf of another judge, Judge Kuhn.

Judge Kuhn is out in Oakland County, is he? * * *

Maybe I should hear that motion and then you can respond on those motions filed on behalf of the three judges.

MS. CRAMER: Well, just while I am here, your Honor --

THE COURT: (Interposing) I say, that is what I prefer to do. So I will hear this motion and then I will let you respond to both of those motions because they are substantially the same, aren't they?

MS. CRAMER: No. The --

THE COURT: (Interposing) Well, I think they are. Now, let me hear that motion. Then you can respond to both of these motions.

MS. WASIELEWSKI: Your Honor, my name is Linda Wasielewski.

* * *

TR-6 * * *

MS. WASIELEWSKI: I am an assistant civil counsel for Oakland County and I am representing Judge Kuhn of the Oakland County Circuit bench.

We filed a motion for summary judgment or in the alternative to dismiss the complaint, your Honor. Primarily our argument is concerned with judicial immunity, and in this particular instance Mrs. Cramer is complaining of a violation of her civil rights which arises from her arrest and detention pursuant to a bench warrant that was issued by Judge Kuhn.

I think that the difference between Judge Kuhn's argument and the other judges' in this matter centers upon whether or not Judge Kuhn had jurisdiction originally in the matter, and I have set forth, I think, in our brief the facts and the law supporting the fact that Judge Kuhn did have jurisdiction in this matter.

The cases that were before him were divorce cases. He obtained sworn testimony on the record which gave him the facts and conclusions to believe that Mrs. Cramer was practicing law without a license.

He issued an order to show cause which was served on her, in one case personally,

in the other case by an order for substituted service. Mrs. Cramer never appeared in Judge Kuhn's court on either one of those orders to show cause and those remained outstanding. There was a bench warrant issued and those remained outstanding until the date that she was brought in from Wayne County over to the Oakland County Jail awaiting an opportunity to be heard before Judge Kuhn.

TR-7 I think the Judge did have jurisdiction. That is the threshold question when determining whether or not Judge Kuhn is immune, and I believe the facts and the law support a dismissal of the complaint in this action. * * *

TR-8

MS. CRAMER: As I started to say previously, your Honor, the whole problem is so elementary and it's a question of jurisdiction, and my contention is that Judge O'Hair, Judge Cahalan in the Wayne Circuit Court was absent of jurisdiction without a remand in that same case that had termin-

ated in the Michigan Supreme Court as of December 30, 1976, and an order of remittitur was entered January 20, 1977 without a remand.

And it's so clear in the law and repeatedly without any exception or deviation where there is no remand from the case after it has gone through the appellate level and a decision is rendered, jurisdiction is not restored to the lower court. And that is the main thing as far as the Wayne Circuit Court judges are concerned with in their involvement here.

Likewise, I claim that the Oakland County Circuit Court was without jurisdiction in the matter both as to subject matter and in personam jurisdiction. The matter before Judge Kuhn was only a divorce. Nothing else. There was no complaining witness. No affidavits submitted. As a matter of fact, Miss Linda Wasielewski, who is here representing Judge Kuhn, hasn't even submitted what she refers to as sworn testimony of other

persons.

TR-9 However, this is classic hearsay, in any event. There was no notice of any hearing that was going to take place involving any activities of anyone. The only matter before Judge Kuhn in Oakland County Circuit Court was a divorce. Nothing else.

THE COURT: There were a couple divorce cases, as I understand it.

MS. CRAMER: Yes.

THE COURT: As a result of which he issued to you --

MS. CRAMER: (Interposing) Two bench warrants.

THE COURT: (Continuing) -- an order to show cause.

MS. CRAMER: Beg pardon?

THE COURT: That Judge Kuhn issued to you an order to show cause -- what was it? -- why you shouldn't be held in contempt. Was that it? For practicing law without a license? Was that it?

MS. CRAMER: No, no. As a matter of fact, these are all semantics.

THE COURT: Was was that again?

MS. CRAMER: All semantics, playing on words, enlarging the situation, manufacturing things. How shall I term it? A lawyer has one kind of a language. Everything a lawyer does he calls "prepared." -- "Prepared."

TR-10 But that's a fallacy, when a lawyer also copies forms from a published book.

* * *

THE COURT: (Interposing) Of course, I'm not here to assess the merits of the Michigan Supreme Court decision.

MS. CRAMER: O. K.

THE COURT: Your suit here is filed on constitutional gounds.

MS. CRAMER: Yes, I know, except that constitutionally I have been deprived of, ruthlessly deprived of due process. Ruthlessly these judges have violated the equal protection clause of the Fourteenth Amendment and state action is involved in exceeding or going beyond their authority, particularly in the absence of jurisdiction.

Now, those are the constitutional elements. You see, it is my understanding that the equal protection clause of the Fourteenth Amendment is not a limitation on private action. However, it is a Limitation on state action, and that's my understanding of it.

And for these officials to take it upon themselves to give themselves jurisdiction -- and say, well, they have jurisdiction -- you know, it just doesn't make any sense. Otherwise, like Judge Kuhn, for instance,
TR-11 he could give himself jurisdiction in almost any matter far away from the subject matter that was actually before him just from hearing testimony or whatever.

THE COURT: Let me ask a question. Now, as I recall, you took an appeal, did you, to the Michigan Supreme Court from the decision of Judge O'Hair --

MS. CRAMER: (Interposing) Yes. * * *

TR-12 * * * They affirmed the injunctive order but did not remand it. * * * There was no remand of the case at all

from the Michigan Supreme Court. Nothing was remanded to the lower court. Nothing. I have that decision here. As a matter of fact -- * * * it's split in four different opinions.

TR-13 * * *

MS. CHIESA: Well, basically, your Honor, briefly, I think that the Michigan Supreme Court affirmed the permanent injunctive order issued by Judge O'Hair in January of 1973.

THE COURT: But the point is made there was no remand. What --

MS. CHIESA: Well, your Honor, a permanent injunctive order is good until further order of the issuing court. The Supreme Court affirmed the validity of that permanent injunctive order.

Obviously, they couldn't speak to further proceedings brought pursuant to the injunction. They couldn't foresee in the future whether or not this injunction would be subsequently violated, whether or not a petition for order to show cause

would subsequently come before the court. The only thing they could hold was to address the validity of the injunction as issued by Judge O'Hair and contempt citations to that point in time brought thereunder.

MS. CRAMER: But the validity of the injunctive order was not addressed to the Michigan Supreme Court. I would appreciate it if you didn't mislead the Court, Mr. Chiesa. I put up with this all the time.

Your Honor, even the pleading that I got from Mr. H. Rollin Allen on Saturday is an intentional deception, an intentional deception to mislead the Court, erroneous dates and everything. I am confronted with this all the time with lawyers where the validity of an injunction in the Michigan Supreme Court was not addressed to the Michigan Supreme Court, so you are out of order in mentioning it here in this --

MS. CHIESA: (Interposing) The opinion of the court speaks for itself.

THE COURT: Now, let me say this. * * * Now wait a minute. I don't want any argument here between counsel. I want you to address the court.

MS. CRAMER: I would like to, your Honor. * * *

TR-15 O. K., your Honor, except that I have been constantly confronted with these situations where the attorneys are dealing in misrepresentations in their pleadings, and it becomes most annoying to me because this is basically the situation which I am fighting to begin with, is that there is -- to me it's total deception because, I mean, do you want somebody to lie to you? I don't want to lie to you. Why should lawyers want to lie to the Court?

* * * TR-16 * * *

Well, you see, obviously when you have listened to my opponents and they have brought out certain things, I should certainly have the opportunity -- * * * -- to challenge -- * * * -- their statements.

THE COURT: I said, go ahead.

MS. CRAMER: O. K. For instance, why hasn't Miss Wasielewski disclosed to the Court that one of those bench warrants in Oakland County Circuit Court was cancelled in November of 1977?

You see, this is the very thing that makes the situation most intolerable to me, when they withhold information and which seems to me to be intentionally deceptive, to be misleading.

And so I was arrested on two bench warrants, one of which was cancelled in November of 1977, and the arrest occurred on June 12, 1981, four -- almost -- well, three and a half years later. And if these lawyers would bring all this out, I wouldn't be in such a nervous state.

TR-17 You know, really, anyway, it's still a question of jurisdiction where I claim that the Oakland County Circuit Court had no subject matter jurisdiction with the divorce matter before it; classic hearsay on so-called sworn testimony that they're not even willing to submit the transcript

on, and I wish that they would.

It's very upsetting to me, your Honor, too, and I can understand how you can get upset, too, and you can yell at me, but please don't find me in contempt of court for blinking an eye.

This is the situation that I have had to put up with repeatedly: semantics, dealing in legal language that just does not apply. * * *

It's a matter of jurisdiction, state action involved, and in the absence of jurisdiction. What else can I say? I mean --

THE COURT: What is the state action?

TR-18

MS. CRAMER: State action is an exertion of power.

THE COURT: Wait a minute. Who --

MS. CRAMER: (Interposing) An action that goes beyond authority. * * *

I am claiming that state action is involved in my petition for amended or my motion for amended petition on removal,

that I thought that would be clear to the Court because if the Court would please review the pleadings where you will see that any official that acts without authority or without jurisdiction -- it can be termed as state action. They can claim that it's an official act but without jurisdiction --

THE COURT: (Interposing) Let's talk about your own motions now.

MS. CRAMER: Beg your pardon?

THE COURT: I thought you would address only the motions made on behalf of the three judges. That's what I though we were talking about.

MS. CRAMER: Well, am I being denied equal protection of the law here in this Court, too, your Honor?

TR-19

THE COURT: No, I'm going to listen to your motions. I'm going to listen to your own motions, but I wanted you to talk about the issues on the motions filed on behalf of the three judges first.

MS. CRAMER: For dismissal and summary judgment?

THE COURT: Yes, for dismissal and summary judgment as to the judges.

MS. CRAMER: Where there's a dispute of issues, a dispute as to facts and dispute as to law, they're not entitled to dismissal or a summary judgment. The court, the Oakland County Circuit Court had no jurisdiction. What do you want me to do? Go through the pleadings? As to Judge Kuhn, for instance? In regard to contempt comitted outside the view of the Court?

Judge Kuhn's counsel cited "In Re Albert" as an applicable case, which is not applicable at all.

In the first place, "Albert" was a lawyer. The court has summary jurisdiction over all lawyers. The court can issue an order to show cause against a lawyer without any prior pleadings, like a complant and a summons and so forth, and because lawyers are subject to summary jurisdiction of the court.

TR- 20 So "In Re Albert" is not applicable for whatever, and I have cited In the Matter of the Contempt of Evelyn Mason. O. K., Mason was not a lawyer, and the court in that case, the Michigan Court of Appeals held that any proceeding to charge a contempt not committed in the presence of the court must be initiated by an affidavit of the person witnessing or having personal knowledge of the acts charged unless the affidavit requirement is waived.

So here, for instance, we have a judge sitting on the bench who is listening to testimony about a divorce, and then he goes into some kind of interrogation of the person who is seeking only a divorce. He interrogates that person about Virginia Cramer because Virginia Cramer's name appears as a notary on the papers, and that's all.

So the judge draws conclusions and assumes jurisdiction and -- bang! bang! bang! bang! -- he's ready to go with the

hatchet, gung ho, or get the possee commitatus after Virginia Cramer or the whole Bar Association after Virginia Cramer and hang her by the neck until she's dead. That's the attitude that some judges have taken.

THE COURT: Well, don't talk quite so loud and I can hear you better.

TR-21
MS. CRAMER: Well, I have heard the lawyers talking loud in this case and I have had --

THE COURT: (Interposing) I don't care if you have. I tell the lawyers the same thing.

MS. CRAMER: Well, I can appreciate that, your Honor, except I really thought you were hard of hearing.

THE COURT: Beg pardon?

MS. CRAMER: I thought you were hard of hearing.

THE COURT: I am, but you don't need to shout.

MS. CRAMER: Well, sir, I don't know whether you are going to hear me or not.

THE COURT: Obviously, you kept raising your voice, so you were agitated --

MS. CRAMER: Well, I wanted to make a point on

or how prejudicial --

THE COURT: (interposing) You can make your point.

MS. CRAMER: (Continuing) -- how highly prejudicial some of the judges have been.

THE COURT: Beg pardon?

MS. CRAMER: I just wanted to make it a point so that you would understand how highly prejudicial some of the judges have been on this issue of people representing themselves on a simple uncontested divorce matter.

TR-22 In any event, and there is a Michigan General Court Rule 760.1, which allows initiation of proceedings applicable after a judgment has been rendered.

In the case of Judge Kuhn, there was no judgment in his court in any case regarding Virginia Cramer or even in a divorce matter, and yet he probably resorted to that provision of MGCR 760.1.

It's illegal. It was totally illegal.

THE COURT: Yes, you have made that point several times but you didn't tell me why.

That's what I'm interested in.

MS. CRAMER: The judge is sitting up on the bench as the complaining witness himself. He's the initiator of the action himself, based on classic hearsay testimony, not in the presence of the person whom he is accusing of giving legal advice.

I don't give any kind of advice to anybody. I ask them to use their own judgment if they can, and, if they can't, they had better learn how.

So here's a judge --

THE COURT: (Interposing) Did you appear before Judge Kuhn?

MS. CRAMER: Never. Never. Never. * * *

TR-23 * * *

THE COURT: (Interposing) Wait a minute. I'm trying to ask you a question. Did you get a copy of the order to show cause?

MS. CRAMER: I was not served with the order to show cause. I sent a messenger into the Oakland County Circuit Court to obtain a copy of whatever was transpiring because I heard of it priorly, way back in 1975.

I sent a runner into the -- a messenger into the Oakland County Circuit Court, where the records were not in the record room.

That particular person that I sent as a messenger went to Judge Kuhn's courtroom and asked to see a particular file and was confronted by Judge Kuhn regarding those very circumstances that all this person wanted to see was the public records, and Judge Kuhn jailed that messenger whom I sent -- (crying).

TR-24 Gee, we've got a dictatorship going in Oakland County. * * *

I didn't think that a dictatorship was legal in this country.

THE COURT: What dictatorship are you talking about?

MS. CRAMER: Judge Kuhn, a dictatorship. * * * So he himself is the only complaining witness, based on classic hearsay. I was not given any opportunity, any notice, that he was going to have any kind of hearing, interrogating the witness about

Virginia Cramer. No notice whatsoever.

TR-25 So he's the complaining witness. He's the finder of fact, based on his own conclusions, which are erroneous --

THE COURT: (Interposing) Let me ask you this: Why did you send someone into the Oakland County court to find out about this?

MS. CRAMER: O. K. I'll tell you this. And if we have time -- * * *

Yes, but in order for you to get a clear picture of what was occurring at that time, I have to describe it as it was described to me also. * * *

O. K. So there were about seven government behicles -- I live in Dearborn Heights.

TR-26 Maybe two of them were Dearborn Heights police vehicles, and the others, I think, were from Oakland County, probably the Oakland County Sheriff's office. And so pouring out of these vehicles are both uniformed officers and plainclothes, surrounding my house. I think there was one policewoman there. One of the detect-

ives from Dearborn Heights I recognized because I have lived there about twenty years.

So they surrounded my house and put on a big show, probably to embarrass me because I considered it as some kind of a waste of taxpayers' money. So it was both offensive and yet at the same time if they were going to be like kids on Hallowe'en, well, I could look at it that way, too.

So one of the officers, waving a paper, making a big spectacle, loud talking -- all they lacked was a bullhorn -- my house is surrounded. I talked to them through the screen door or the storm door. They didn't say anything about wanting to give me any paper but waving a paper. I said, "What have you got there? Hold it still so I can read it." And they still wouldn't hold it still, just kept waving it.

And this went on with some other remarks and innuendos, say, for about half an hour.

Then finally one of the officers -- I think it was one of the detectives from the Dearborn Heights -- said "Come on, guys, let's go. I think we've got a Mexican standoff here."

And they left.

THE COURT: Didn't they offer to hand you some papers?

MS. CRAMER: No, they didn't offer to hand me any papers. Nothing was ever tacked on my door. I was never served personally with any kind of an order to show cause out of the Oakland County Circuit Court. Never. And I would challenge whatever they think that they have --

THE COURT: (Interposing) * * * In reading through these papers and pleadings in this matter, I thought I read something to the effect that there was substituted service made by the judge in the Oakland County matter.

MS. CRAMER: There was no substituted service, your Honor.

THE COURT: You didn't get anything in the mail or otherwise?

MS. CRAMER: No, I didn't. If they had sent anything in the mail, truly, they would have sent it by certified mail where I would have to sign for it. They have nothing to produce except the thing that they are claiming by a Corporal -- Cpl. -- what is it? Vita? Miss Wasielewski? I don't know the name.

TR-28 * * *

But who signs their name "Corporal Vita"? That would be just like you signing your name "Judge Freeman." I'm sure you sign your name "Ralph M. Freeman." So why shouldn't a corporal sign their name with a proper name? To me it all looks like a -- like a -- some of the records have been misrepresented. Misrepresented.

I was never served, never served with any kind of -- any kind of a paper out of Oakland County. Never served. And the only way I obtained any knowledge of it was after my messenger got out of jail,

after Judge Kuhn jailed this Mr. Jack Rose, then I gound out what it was all about. And I even filed a grievance against Judge Kuhn with the Judicial Tenure Commission, and that was Grievance No. 519, and I think it was dated in April and -- * * *

Tr-29 I just wanted you to get a picture of what was occurring. * * *

So whatever the matter was before Judge Kuhn, he had no jurisdiction over Virginia Cramer. It was not a contempt committed in the immediate view or presence of the Court. Couldn't have been. I wasn't even present in his courtroom.

To tell you frankly, your Honor, if he would have been courteous and called me on the telephone or had his secretary telephone me or whatever and asked me to come down there, I would have gone, willingly. You see? * * *

So, in any event, the use of that Rule 760.1 of MGCR 1963 did not give the Judge

authority to initiate a proceeding.

The elementary, basic way, and the only way of obtaining jurisdiction is by issuance of summons. And I cited the case of DeKuyper vs. DeKuyper, which subsequently, in 1976, I had even written a letter to Judge Kuhn and also to Sheriff Johannes Spreen and Brooks Patterson citing --

TR-30

THE COURT: I'm trying to ask you a question. Did Judge Kuhn hold you in contempt of court on that order to show cause? * * *

MS. CRAMER: There are so many papers, I can't keep track of everything.

Yes. Yes, he did. * * *

It says, or one of them says, "It appears from her testimony," meaning the do-it-yourself divorcer, "has been engaged in the unauthorized practice of law. It is hereby ordered that Virginia Cramer appear before this Court" -- * * * -- the date -- "and show cause, if any she have, why she should not be punished for the contemptuous acts" --

Yes, yes.

THE COURT: You were arrested, were you, on the order of Judge Kuhn on the --

TR-31
MS. CRAMER: (Interposing) On June 12, 1981.

THE COURT: All right. You were.

MS. CRAMER: More than four years later the --

THE COURT: (Interposing) Did you take an appeal to the Michigan courts on this?

MS. CRAMER: I have no right of appeal on this.

THE COURT: You don't, you say?

MS. CRAMER: No, no right of appeal, your Honor.

THE COURT: Why not?

MS. CRAMER: In the state courts, if I am claiming that the circuit court judge had no jurisdiction to --

THE COURT: (Interposing) Wouldn't that be a basis for appeal to the Michigan court?

MS. CRAMER: Well, but, I mean, that's just like stepping on a cockroach and saying, "O. K., now you can appeal." But the cockroach is dead. The cockroach has already been put in jail. It's a moot

question as far as the state --

THE COURT: (Interposing) Well, he let you out of jail, didn't he?

MS. CRAMER: Beg your pardon?

THE COURT: Didn't Judge Kuhn let you out of jail?

TR-32

MS. CRAMER: No.

THE COURT: I don't know if this motion -- you were jailed over the weekend, were you?

MS. CRAMER: That's right, and in violation of a Michigan statute where I was to be taken before the judge forthwith, and the sheriff's deputy said forthwith was Monday and here it was Friday. * * *

And as long as I was here on Tuesday that forthwith would still be Monday.

THE COURT: Wait a minute. I'm trying to ask you something, please, but you keep right on talking.

MS. CRAMER: I thought I was here on oral argument --

THE COURT: (Interposing) You are, but you're going to listen to me.

TR-33

MS. CRAMER: Maybe.

THE COURT: Now, my question --

MS. CRAMER: Maybe.

THE COURT: Beg your pardon?

MS. CRAMER: Maybe.

THE COURT: Do you have anything further you want to address the Court on these motions?

MS. CRAMER: Yes, if you will give me a chance. If you're not going to give me a chance, then for God's sake, just say so.

THE COURT: Do you have anything more you want to say about these motions?

MS. CRAMER: Yes.

THE COURT: Well, go ahead.

MS. CRAMER: Not if you're going to continually interrupt me, too.

THE COURT: All right. I reserve the right to interrupt any attorney in an oral argument. Now, if you are offended by that, then you will just have to live with it. I've been trying to steer you along to the issues raised by the motions and not talk about extraneous matters.

MS. CRAMER: I thought you had read the plead-

ings.

TR-34

THE COURT: I have.

MS. CRAMER: Goody.

THE COURT: Now, you're sobbing again.

MS. CRAMER: No, I'm not. I'm angry.

THE COURT: Well, you're making noises like you were.

MS. CRAMER: I'm angry.

THE COURT: And I wish you wouldn't do that. If you want a few minutes to regain your composure, I'll give it to you.

MS. CRAMER: Thank you. * * * I'll step out in the hall.

THE COURT: Take a recess. (A recess was taken)

— — —

THE COURT: All right, Mrs. Cramer, I'll give you about five more minutes. I've already allowed you thirty-five minutes to address the Court with respect to the motions on the judges, and that's all we're talking about right now, and we took a recess, so you have been talking thirty-five minutes already in opposition to those motions.

I'll give you five more minutes.

TR-35

MS. CRAMER: Your Honor, may I ask the Court to enter this order for cancellation of bench warrant dated November 23, 1977.

THE COURT: What is this? What do you have here?

MS. CRAMER: Order for a cancellation of bench warrant issued by Richard D. Kuhn in the Oakland County Circuit Court on November 23, 1977, which Miss Wasielewski has neglected --

THE COURT: (Interposing) Let me see what you have here.

MS. CRAMER: May I enter it as an exhibit? Would anybody like to see this? I mean, are we going by proper procedure or not?

MS. WASIELEWSKI: I have no objection, your Honor.

THE COURT: She has no objection. All right.

MS. CRAMER: She knew about it all the time.

* * *

MS. CRAMER: All right. There is one significant case that --

THE COURT: (Interposing) Beg pardon?

TR-36

MS. CRAMER: Your Honor, if I don't talk loud you can't hear me, and then you object when I talk loud.

THE COURT: I wish you wouldn't bait me, please.

MS. CRAMER: Well, it's very frustrating to me.

THE COURT: You go right ahead. I haven't said anything to you one way or the other. You go right ahead and address the Court, but I wish you would avoid these emotional outbursts.

MS. CRAMER: But it's so frustrating to me. I don't know whether you can hear me unless I shout and then you object when I shout. What am I to do?

THE COURT: Go ahead.

MS. CRAMER: One significant case, Harper vs. Merkle -- I have discussed it in my pleadings -- where a judge could not claim absolute immunity. Illegality had to be proven on a 1983 act against, or 1983 action against this judge.

The crucial thing in that case, which is very similar to the instant case, is that the judge was the complaining witness,

finder of fact, other things, and judge, so that he was acting beyond his authority. And the United States Court of Appeals found that he could not claim judicial immunity where the judge claimed that he was acting as a conservator of the peace.

TR-37 Similarly, in the instant case, is Judge Kuhn sitting on the bench, probably reading newspapers about much publicity regarding do-it-yourself divorce and Virginia Cramer and interrogating the witness on the stand who was seeking a divorce when he is acting as interrogator, interviewer, finder of inferences, twister of facts, violator of due process, violator of the Fourteenth Amendment equal protection clause, and a highly prejudicial judge, among other things, and slam-bangs on an order to show cause.

He had no authority. No one made any request to him to issue. There was no affidavit, no complaining witness, and I think that's what irks a lot of lawyers

is that -- information has come back to me where actually lawyers have solicited for someone that had any dealings with Virginia Cramer just so they would have a complaining witness against Virginia Cramer, and they have been unable to find anybody. And I think that that is -- that makes many members of the legal profession irked.

TR-38 So that in this case of Harper vs. Merkle, there was no judicial immunity. The judge had acted out of personal motivation, used his judicial office as an offensive weapon, so instead of just being an impartial, unbiased, fair judge, and similarly to Judge Kuhn, he did more. And in doing more, it was illegal.

I have that case here.

THE COURT: Your five minutes is up. I will hear -- does the moving parties, counsel for the judges, care to respond to the arguments made here?

MR. CHIESA: Nothing further, your Honor.

THE COURT: Beg pardon?

MR. CHIESA: Nothing further.

THE COURT: And Miss Wasielewski?

MS. WASIELEWSKI: Yes, your Honor, I would like to make one comment.

Mrs. Cramer indicated to the Court that she had not received any of the orders that Judge Kuhn issued. She alleges she did not receive those orders to show cause.

Together with my brief I attached certified copies of every single pleading in those two cases -- that is, Horn vs Horn and Seaholm vs Seaholm -- that were applicable to this case, and I believe that court orders speak for themselves.

TR-39

THE COURT: Well, now, there has been submitted to the Court an order for cancellation of a bench warrant issued by Judge Kuhn that's dated November 23, 1977, and why was that entered? Do you know what the purpose of that was?

MS. WASIELEWSKI: Your Honor, I don't. I spoke to Judge Kuhn and he honestly could not give me a good reason why there was a

cancellation for that particular case and not for the other one. However, there was an outstanding --

THE COURT: (Interposing) That was in the divorce case.

MS. WASIELEWSKI: Yes, your Honor.

THE COURT: Horn vs. Horn.

MS. WASIELEWSKI: That's the Horn case. In the Seaholm case, which has similar facts -- in other words, that an order to show cause was issued, was served, she did not appear, and a Bench Warrant was issued. That remained outstanding, and it remained outstanding until the time that she was picked up on the bench warrant and taken to the Oakland County Jail awaiting the first opportunity for Judge Kuhn --

THE COURT: (Interposing) Well, was Miss Cramer arrested after this bench warrant was cancelled?

TR-40

MS. WASIELEWSKI: Yes, your Honor.

THE COURT: After the bench warrant in the Horn case was cancelled?

MS. WASIELEWSKI: Yes, your Honor. There was an outstanding bench warrant on the Seaholm vs. Seaholm divorce case.

MS. CRAMER: Your Honor, they were both outstanding. They both appeared on my vehicle operator's license. They were both outstanding. * * * And that was confirmed, * * *

THE COURT: Now, just a minute. I am addressing Mrs. Wasielewski. Is there anything further?

MS. WASIELEWSKI: No, your Honor, I stand on the arguments and the brief.

THE COURT: All right. Now, I will take these motions under advisement. That's the motions of the three judges, and I will issue a memorandum with respect to these. Now, that's three of the six motions, is it? Or -- were motions filed, motion for summary judgment or motion to dismiss on behalf of each of the three judges?

TR-41

MR. CHIESA: Your Honor, my motion was filed on behalf of both Judge O'Hair and Judge Cahalan.

THE COURT: Well, the list of motions before me doesn't indicate just quite which is which here. Now, there are other motions --

(The Court and the law clerk conferred privately.)

THE COURT: Well, I have several other motions. Are you Mr. Allen?

MR. ALLEN: Yes, your Honor.

THE COURT: You are here representing yourself and the State Bar of Michigan?

MR. ALLEN: Yes, Your Honor.

THE COURT: All right. Now, which motion are you interested in?

MR. ALLEN: We filed a motion for the entry of an order remanding the case to the state court. * * * That was one. We also filed a motion on behalf of the State Bar of Michigan and myself for the entry of an order of dismissal or, in the alternative for a summary judgment.

TR-42

THE COURT: Well, I think, then, I might as well hear your motions. Are you ready to proceed?

MR. ALLEN: Your Honor, we will stand on our brief and our motion itself.

THE COURT: You don't care to present oral argument?

MR. ALLEN: No, I don't think it's necessary.

THE COURT: All right. Mrs. Cramer, do you care to respond or do you stand on your responses?

MS. CRAMER: Well, I don't quite understand, you know, about standing on the responses and everything because --

* * *

THE COURT: But most usually I give attorneys and even people who represent themselves an opportunity to orally argue as long as they keep it within reasonable bounds, and Mr. Allen has said he will stand on his motion and brief. Do you care to make oral arguments on his motion?

TR-43

MS. CRAMER: Procedurally, your Honor, Mr. Allen is in default.

THE COURT: He what?

MS. CRAMER: Mr. Allen is in default. Mr. H. Rollin Allen individiaully is in default.

A default, an affidavit of default was filed against him for failure to plead a defense timely within --

THE COURT: (Interposing) Yes, I remember something about that.

MS. CRAMER: Yes. And he claims also immunity for himself. Where I have cited the case in other pleadings, Smyth, S-m-y-t-h, vs. Lubbers, L-u-b-b-e-r-s, and in that case -- and I think it was out of the Sixth Circuit, which would be this same territory --

THE COURT: (Interposing) Do you care to argue the motion to remand? * * *

No, to remand the matter to the other court. You removed or attempted to remove the state action to this Court, did you? You had a removal proceeding.

MS. CRAMER: An ex parte removal, yes. The procedure is all ex parte removal. It is removed --

TR-44

THE COURT: (Interposing) Yes.

MS. CRAMER: (Continuing) -- unless it's remanded. But right now it's removed.

THE COURT: But now I have a motion before me to remand it. Do you want to argue that?

MS. CRAMER: Well, your're going to be remanding it to a court that acted illegally, that acted without jurisdiction. I know there's a provision, your Honor, where -- let me think a minute -- where the state court did not have jurisdiction the case cannot be removed into the federal court. However, my claim is that it is not ancillary to the state court case. It may be termed as supplementary to the state court case, but adding additional parties and different causes of action based on the claim that the state court acted illegally, that the Wayne Circuit Court judiciary acted illegally, without jurisdiction, so the cause of action is false arrest, false imprisonment, under the provisions of the Civil Rights Act, 42 USC 1983, and it all ties in with just that very elementary basis of jurisdiction where the state case --

THE COURT: (Interposing) Are you arguing --

MS. CRAMER: (Continuing) -- was terminated in the Michigan Supreme Court.

TR-45

THE COURT: Are you using that argument against the State Bar and Mr. Allen, where you are talking about false arrest?

MS. CRAMER: Yes.

THE COURT: Did they cause you to be falsely arrested or falsely imprisoned?

MS. CRAMER: Well, what the cause was -- I don't have a crystal ball.

THE COURT: Are you charging them with that?

MS. CRAMER: I'm charging them with being part of the plot in arranging this false --

THE COURT: (Interposing) Have you alleged that? Have you alleged that?

MS. CRAMER: Yes, I have.

THE COURT: In your complaint?

MS. CRAMER: In my pleadings and in my argument, and I cited the case of Aikens vs. Wisconsin where the United States Supreme Court has said that the -- pardon me -- the defendants who were convicted claimed that motive was not a proper element to

bring before the court and where Justice Holmes disagreed and said that no conduct has such an absolute privilege.

And I will stand on my brief in -- you know, on whatever. I have enlarged on that -- well, whatever. You said you would give me five minutes and then I get frustrated when I think I'm imposing and taking too much time, but, however, if others are going to stand on their brief, then, I will do likewise.

TR-46
THE COURT: All right, you can. Then I will take those motions under advisement.

MS. CRAMER: I have -- just a moment, sir, your Honor. I have a case here -- you see, I'm -- of course, you know I'm not a lawyer. I don't have to draw that to your attention. But I find a lot of conflicting things from case to case to case to case, and I don't know whether it depends on who the judge is or anything.

I understand that and from reading this case, a federal court of equity will not enjoin state prosecution except in unusual

cases where irreparable harm will otherwise result. And I think your Honor wrote that decision himself. And although it's a case that was remanded back to the state court, however, it dealt with picketers, you know, in a civil rights matter, picketers and situations where there was violence with the police and so on.

That case was People of the State of Michigan vs. Barnard and a whole slew of defendants.

* * *

Tr-47 * * *

MS. CRAMER: I just wanted to draw to the Court's attention that there is irreparable harm in this instant case in which I am ordered to pay money to a person who doesn't even want it and didn't request it and sought no such relief of the Court, and yet they want to throw me in jail for not paying the money that this witness doesn't want and didn't ask for.

THE COURT: All right. Now, then, that motion will be taken under advisement, and then we have next a motion -- you have a motion

-- you have three more motions, I think.

* * *

You have three motions yet to be heard. Now, let me list them so I can see if you agree with your motions. You have a motion to amend the petition for removal in the state case.

TR-48

MS. CRAMER: To enlarge on the grounds of removal.

THE COURT: Is that motion opposed or -- .

MS. CRAMER: No. There were no pleadings filed in opposition to it.

THE COURT: Well, I would like to know the position of the State Bar and Mr. Allen.

MR. ALLEN: I'm not sure that I understood the motion, your Honor.

THE COURT: Beg pardon?

MR. ALLEN: I'm not sure I understood her motion.

MS. CRAMER: It's a motion to amend the petition for removal --

THE COURT: (Interposing) I have it listed that way. It's a motion, I think, entitled -- is that one of your motions?

MS. CRAMER: Yes.

THE COURT: It's a motion to amend the petition for removal.

MS. CRAMER: Well, I am just enlarging on the grounds, see.

THE COURT: All right. Would that be relevant to the motion to remand? It would be, probably, wouldn't it.

TR-49

MR. ALLEN: Your Honor, I don't know what she meant by a motion to amend petition for removal of state case. I don't know what she means by that and I didn't answer it.

MS. CRAMER: Well, I found it in West's book of forms and it must be a usual procedure.

THE COURT: Suppose we leave that and I will consider that on the petition and the brief, your brief.

MS. CRAMER: Well, the thing of it is when I first prepared that, the original petition for removal with my complaint, I was in such a rush, and I thought possibly that I may not have made it clear to the court on my grounds for removal and that state

action was involved.

THE COURT: All right. Well, now, I will consider that --

MS. CRAMER: (Interposing) And additional parties and it was not ancillary to the State case.

THE COURT: I will consider that motion in connection with the motion of the State Bar and Mr. Allen to remand. I will consider your motion to amend your petition in connection with that motion to remand. Is that agreeable?

MS. CRAMER: Yes, sir.

THE COURT: That will be taken under advisement.

All right, now we have your motion, Miss Cramer, for entry of default against Allen, I think. Is that right?

TR-50

MS. CRAMER: That's right.

THE COURT: All right, proceed. * * *

MS. CRAMER: Well, I filed the motion and affidavit in support of default based on the time element that was involved where Mr. Allen had been served on October 22,

1981 and had failed to respond within the twenty-day period allowable, so I filed the default against Mr. Allen individually.

THE COURT: What about the State Bar? Did you take a default against the State Bar?

MS. CRAMER: No, I didn't here, your Honor. You see, the reason I was in such a rush in preparing the pleadings is that on an emergency matter -- * * *

TR-51 * * *

I was scheduled to go to the state of California on an emergency matter, which I did, and then I got back sooner than I had anticipated because of this case, and where I had relied on someone else to handle the serving of the papers, after October 22, then where the sheriff's office could not serve the Bar Association here or at least they refused to take the papers, the Detroit office of the Bar Association, and said that the papers would have to be served on the State Bar in Lansing.

* * *

THE COURT: Your motion here is for entry of default against Mr. Allen?

MS. CRAMER: Yes, sir.

THE COURT: Not the State Bar?

MS. CRAMER: Not the State Bar.

THE COURT: All right. Let's forget the State Bar.

TR-52

MS. CRAMER: Well, I wanted to explain the time, you know --

THE COURT: (Interposing) Do you want to address the Court on your motion for default against Allen or do you want to leave that to be decided by the Court on your motion and brief?

MS. CRAMER: Well, I take exception to Mr. Allen tacking himself on individually with the State Bar pleadings where he's representing the State Bar and also as an individual defendant, and after he was in default and after the default was filed, that he tacked his name onto the State Bar pleadings. And, incidentally, I got more pleadings late Saturday afternoon, just

this past Saturday, January 23, 1982, and because of the ice situation I couldn't even get to the law library on Sunday, yesterday, and I don't think his pleading is proper. I think he is erroneously claiming immunity.

THE COURT: Let me ask you this: Would you like an opportunity to file a brief in opposition to that?

MS. CRAMER: Well, if your Honor thinks that it would be O. K., I would like to do that.

THE COURT: All right. How long would you want?

MS. CRAMER: Well, a week might do.

THE COURT: All right, I will give you a week.

TR-53

MS. CRAMER: And if I can submit --

THE COURT: (Interposing) I say, I will give you a week to file a response to that motion.

MS. CRAMER: O. K. Thank you very much, your Honor.

THE COURT: And then that will leave -- then I will consider that motion on the briefs.

That is the motion for default against Allen.

MS. CRAMER: Yes.

THE COURT: Then we have one more motion, as I see it, your motion, Mrs. Cramer, for an order to show cause why a temporary enjoining order and why a preliminary and/or permanent injunctive order should not issue. Do you care to address the Court on that motion, your motion for a temporary injunction?

MS. CRAMER: Well, it all ties in with the nature of the case and where -- I'm not engaged in the unauthorized practice of law. I just see an area where the court system can be improved greatly and that a change in this system is so badly needed for the benefit of the public as well as the taxpayers, and I think that the interests of the general public should be foremost in any event, and I believe that it is invalid for the courts to protect lawyers.

TR-54 And, if I may, your Honor, before I leave here today, if I may leave a couple

of transcripts that occurred in the Wayne Circuit Court where individual persons seeking to exercise their guaranteed constitutional right of self-representation were mistreated terribly and --

THE COURT: (Interposing) Well, are you talking about this case or some other case?

MS. CRAMER: It's part of the case.

* * *

MS. CRAMER: It's part of the case. It's part of the injunctive relief that I am asking for.

THE COURT: Well, you may leave them and I will look at them.

TR-55 What is the injunctive relief you're asking?

MS. CRAMER: * * * Well, I can't recite it from the top of my head here. Just a moment. You know, there's so many papers in this * * * just a moment.

THE COURT: Well, let me read it for you. I had it just handed up to me.

You are asking the Court to stop the State Bar from harassing, annoying, molest-

ing, and so forth, interferring with the trade and business of persons exercising their constitutional rights of self-help and self-representation and denying or preventing access to information, forms, documents, and so forth, of individuals seeking to exercise their constitutional right to self-representation in the courts of Michigan, and so on. You've got another six grounds, six things you want to enjoin.

MS. CRAMER: Well, yes, your Honor, because the -- the whole gist of it is that certain members of the general public are being misled as to their guaranteed constitutional right of self-representation where individual lawyers by the hundreds have told people that it's illegal for them to represent themselves. I kid you not. They have said that the divorce would be illegal if they tried to represent themselves in an uncontested matter.

TR-56

THE COURT: Have they been told that? I say, has anyone been told that they can't

represent themselves in the State courts?

MS. CRAMER: Well, yes, they have been told --

THE COURT: (Interposing) Who? What court has told what person that?

* * *

MS. CRAMER: O. K. That ties in with a couple of transcripts that I bought or brought down copies where after the do-it-yourselfer representing herself (or himself) had completed the testimony and given -- and made a proper presentation and with the reasons for a divorce and everything, the divorce was denied and she was referred to the Bar Association to get a lawyer.

THE COURT: Wait a minute, please. Are you here on behalf of some other persons?

TR-57

MS. CRAMER: No. I know I can't represent anyone. I cannot. I am here -- * * * I am here representing myself --

THE COURT: (Interposing) What's the purpose of your asking this Court for a temporary injunction, then?

MS. CRAMER: The property interests. People

that come to me who handle their own divorce need certain particular paperwork in order to accomplish in obtaining a divorce. It's the trade and business, actually. It should be --

Oh, you can't hear me.

THE COURT: Oh, yes, I can. Please don't put words in my mouth.

MS. CRAMER: It should be set up as a county function right in the county clerk's office. There should be a self-help divorce counter installed in the county clerk's office right next to the marriage license counter. A reasonable fee should be charged in addition to the statutory filing fees where people would have access to the court without being abused and exploited by the --

THE COURT: (Interposing) Mrs. Cramer, please. I'm not going to listen to that. That has nothing to do with any issue in this case. Please go on to something else.

TR-58

MS. CRAMER: Well, that's the only reason I'm

doing it. I'm not doing it for self-interest.

THE COURT: You're not?

MS. CRAMER: No.

THE COURT: You are here seeking help for some other people, is that it?

MS. CRAMER: No. I can't represent them.

THE COURT: Well, what do you want, then?

MS. CRAMER: Well, an injunctive order against the Bar Association.

THE COURT: Enjoining them from doing what?

MS. CRAMER: Enjoining them from interferring with the trade and business of persons exercising their constitutional guaranteed right of self-representation so that they are not forced to hire a lawyer.

There's a case out of the U. S. Supreme Court, Faretta vs. California, 1975 -- I don't have the number of the volume -- but in that case, which was a criminal matter where counsel was appointed for the defendant, for the accused, over his objections, over the accused's objections -- the accused did not want to be represented

by counsel and yet obviously it was imposed on him, that he had a right to counsel, which is, say, under the Sixth Amendment of the U. S. Constitution, but over the accused's objections he had to have counsel, which he objected to. And then I suppose --

THE COURT: (Interposing) I don't think that's relevant to the issue here.

MS. CRAMER: It is. If you read the case, it is relevant.

THE COURT: All right. I'm not going to read it. You have told me enough about it and I don't see its relevance to this case. Do you have something else?

MS. CRAMER: Well, it amounts to self-representation, which is what I am doing also.

THE COURT: You can represent yourself.

MS. CRAMER: I know.

THE COURT: Nobody is preventing you from doing that.

MS. CRAMER: But I am also representing property rights and interests here.

THE COURT: Whose property rights and interests?

TR-60

MS. CRAMER: Just like any business.

THE COURT: I say, whose property rights and interests are you representing?

MS. CRAMER: Mine. Mine.

THE COURT: Are you representing any others? Are you representing property rights and interests of any other persons?

MS. CRAMER: Well, I would have to toss that around in my head to answer that. * * * I don't have an answer right quick like that.

THE COURT: All right. Is there anything else on this motion? I have the motion. Did you file a brief in support of this motion, this motion for a temporary injunction? Did you file a brief?

MS. CRAMER: No, not really, your Honor. You mean as to --

THE COURT: (Interposing) I don't know why they would file it because they're not supposed to accept any motions without a brief attached.

MS. CRAMER: No. It was filed all at the same time on October 21, 1981, with the comp-

laint, with the motion for injunctive relief and for declaratory judgment and --

THE COURT: (Interposing) Have you covered this -- when you get rhough talking, may I ask a question? Have you covered this motion in any other brief you filed?

TR-61

MS. CRAMER: For the injunctive relief? * * * To be perfectly frank, I don't think so. * * * May I submit something?

THE COURT: Yes, I'll give you a week. * * * Let me hear from counsel for the defendant. * * * Mr. Allen, do you care to respond?

MS. ALLEN: Nothing, your Honor.

THE COURT: Beg pardon?

MR. ALLEN: There has been nothing said that would warrant any additional response to --

THE COURT: (Interposing) I'll give you one week to answer any brief that Miss Cramer may file.

MR. ALLEN: Thank you.

THE COURT: One week after you receive her brief.

MR. ALLEN: Thank you.

THE COURT: All right. These matters will be considered submitted on that basis.

Court will be in recess.

(At about 12:20 p.m., the hearing in this matter was concluded.)

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